



Enterprise, Transport & Lifelong Learning Department
Transport Division 4:3 Ports and Harbours

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Our ref: 2SPC\2\5\284

Date: 21 March 2007

Dear Mr Locke

COAST PROTECTION ACT 1949 (SECTION 34): MOORINGS

I am responding to your application of 8 January 2007 seeking approval of Scottish Ministers to undertake this proposal at Loch Goil. This letter consists of the Scottish Ministers decision.

I am directed by Scottish Ministers to issue this letter and attached schedule as consent, to Douglas Locke solely for the purposes of Section 34 of the Coast Protection Act 1949, as amended by Section 36 of the Merchant Shipping Act 1988, to undertake the following proposal:

- The regulation and deposit of works below the level of mean high water springs as detailed in the attached schedule and as shown on the foreshore plan numbered: 2SPC\2\5\284.

Specific Conditions

This consent is subject to standard conditions (set out in the Annex D2:MF3 dated 10/93) which I have attached to this letter. In addition to the Standard Conditions, without prejudice to the applicant, the following requirements are also attached to this consent:

- The works should be marked, and or lighted, as required by the Northern Lighthouse Board and remain so until the Scottish Ministers direct that the marking and/or lighting be altered or discontinued. It is therefore considered that:
 - a) *No navigational lighting or marking of these sites are required.*
 - b) *Please ensure that the UK Hydrographic Office is notified of the geographical coordinates of the revised moorings area (including the three individual moorings to the south) in order that Admiralty Chart BA 3746 can be revised accordingly.*
- You are asked to make any application to renew this consent at least eight weeks before its expiry date. **This consent shall not, unless renewed, continue in force after the expiry date of 19/03/2013.**
- This consent shall cover all items detailed in the attached schedule. Any amendments or modifications to the works **MUST** be approved by the Scottish Ministers prior to its commencement.

- The Hydrographic Office, Ministry of Defence, Taunton, Somerset TA1 2DN **MUST** be informed of *both the progress and completion of the works*. The Hydrographic office must be supplied with a copy of this consent and foreshore plan to enable the works to be included on nautical charts.
- The Royal Yachting Association point out that there are three recognised anchorage areas within the overall area in question and would appreciate if these could be kept clear of moorings so that visiting vessels may anchor without fouling their ground tackle.

Environmental Consideration

The Scottish Executive as competent authority under regulation 48 of the Conservation (Natural Habitats, &c) regulations 1994, has a duty to:

- Determine whether the proposal is directly connected with or necessary to site management for conservation, and, if not,
- Determine whether the proposal is likely to have significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- Make an appropriate assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

Following this determination and form guidance received from Scottish Natural Heritage, the following environmental conditions must also be met:

a) *There are no environmental conditions to be met.*

You should satisfy yourself that you have obtained any other necessary powers to undertake the works.

You should inform this Department if these works are removed before this consent expires. You should also notify this Department of any change in your name, address, ownership or modifications to the proposal to ensure the consent's validity.

Yours sincerely

Rhona Reid

RHONA REID

Policy Officer

**SECTION 34, COAST PROTECTION ACT 1949.
STANDARD CONDITIONS OF CONSENT**

1. The works should be marked and/or lighted as required by the Northern Lighthouse Board and the marking to be continued unless and until the Scottish Ministers rescind this direction.
2. If it is desired to display any marks or lights not required by this consent then details must be submitted to the Northern Lighthouse Board and their ruling complied with. The display of unauthorised marks or lights is prohibited.
3. The works shall be maintained at all times in good repair.
4. No deviation from the schedule specified in the consent shall be made without the further written consent of the Scottish Executive.
5. No radio beacon or radar beacon operating in the Marine frequency bands shall be installed or used on the Works without the prior written approval of the Scottish Ministers.
6. If in the opinion of the Scottish Ministers the assistance of a Government Department, including the broadcast of navigational warnings, is required in to deal with any emergency arising from:
 - a) the failure to mark and light the works as required by the consent
 - b) the maintenance of the works
 - c) the drifting or wreck of the works,the owner of the Works shall be liable for any expenses incurred in securing such assistance.
7. In the event of the consented operations being dis-continued the works shall be removed and the site cleared to the satisfaction of the Scottish Ministers.
8. Officers of HM Coastguard, or any other person authorised by the Scottish Ministers, should be permitted to inspect the works at any reasonable time.
9. Would you please inform this Department and the lighting authority when the works have been completed and the marking established.

Scottish Executive

Coast Protection Act 1949: Schedule of Consent

Consent Reference: 2SPC\2\5\284

MOORINGS

This schedule denotes all equipment and their approximate positions given in Latitude and Longitude for the aforesaid proposal. This schedule MUST be accompanied by the formal letter of consent to ensure its validity. In any instance of modification, ownership or removal or works this schedule should be returned to the Scottish Executive with the nature of the change clearly indicated.

Works positions.

(mooring / pontoon / marine works)

Description	Latitude	Longitude
mooring 1	56 06.10N	04 53.53W
mooring 2	56 06.23N	04 53.87W
mooring 3	56 06.27N	04 53.94W
north limit	56 08.761N	04 53.898W
south limit	56 06.229N	04 53.913W